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September 23, 2019

VIA ELECTRONIC MAIL AND ECF

The Honorable Vernon S. Broderick
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007
BroderickNYSDChambers@nysb.uscourts.gov

Re: *Vale S.A. v. BSG Resources Limited*, No. 19-cv-3619

Dear Judge Broderick:

We write on behalf of Vale S.A. (“Vale”), the petitioner in the above-captioned summary proceeding for recognition and enforcement of Vale’s arbitral award (the “Award”) against BSG Resources Limited (“BSGR”) [ECF No. 1], to report on a recent development in the United Kingdom that is relevant to this proceeding.

BSGR’s sole ground for opposing recognition and enforcement in the United States under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, *opened for signature*, June 10, 1958, 21 U.S.T. 2517, *reprinted in* 9 U.S.C. § 201 (historical and statutory notes) (the “New York Convention”) is that the Award supposedly was “suspended” by the High Court of Justice, Business and Property Courts of England and Wales, Commercial Court (QBD) (the “English High Court”), pending the resolution of BSGR’s application to set it aside in the United Kingdom, where the Award was rendered. *See* BSGR’s Memorandum of Law in Opposition to Petition for Recognition and Enforcement of a Foreign Arbitration Award and in Support of Cross-Motion to Dismiss or, in the Alternative, to Adjourn the Decision on the Enforcement of the Award (the “Opposition to Petition for Recognition and Enforcement”), ECF No. 20 at 5-6.

Hon. Vernon S. Broderick, p. 2

On September 20, 2019, the English High Court denied BSGR's application to set aside the Award and refused a stay of execution.¹ *See* Exhibit A, Order of the Honorable Mrs Justice Moulder dated 20 September 2019. The only ground raised by BSGR for opposing enforcement of the Award under Article V of the New York Convention, even if it had any merit, which it did not, *see* Vale's Reply Memorandum of Law in Support of Petition for Recognition and Enforcement, ECF No. 22 at 2-3, is therefore now moot, and Vale respectfully requests that its petition be granted.

Respectfully submitted,

/s/ Jonathan I. Blackman

cc: Frederick Hyman, Esq.
Michael R. Lastowski, Esq.

¹ BSGR's challenge to the Award remains pending in the English High Court, but even BSGR does not contend that this "suspends" the Award. Rather, BSGR relies on its challenge as a ground to stay the decision on Vale's Petition. *See* BSGR's Opposition to Petition for Recognition and Enforcement, ECF No. 20 at 6-7. For the reasons set forth in Vale's Memorandum of Law in Opposition to Respondent's Opposition to Petition for Recognition and Enforcement, ECF No. 24, that request is meritless.